IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2006

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THE HONOURABLE MR.JUSTICE M.JAICHANDREN

W.P.No.3201 of 2002

G.Sasikala ..Petitioner.

-Vs-

1. The Commissioner,
Chennai Corporation,
Chennai.

2.The Assistant Commissioner,
General Administration and Personnel,
Chennai Corporation,
Chennai - 3. ..Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pursuant to the impugned order passed by the 2nd respondent in Proc.Po.Thu.Na.Ka.No.E7/37822/2001 dated 13.9.2001 and quash the same and consequently, direct the respondents to appoint the petitioner in any suitable, post on permanent basis, in Chennai Corporation.

For Petitioner : Mr.S.M.Subramaniam

For Respondents : Mr.V.Bharathidasan

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O R D E R

The writ petition has been filed praying for a Writ of Certiorarified Mandamus to call for the records pursuant to the impugned order passed by the 2nd respondent in Proc.Po.Thu.Na.Ka.No.E7/37822/2001, dated 13.9.2001, and quash the same and consequently direct the respondents to appoint the

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petitioner in any suitable post, on permanent basis, in Chennai Corporation.

2. Heard the learned counsel for the petitioner as well as for the respondents.

3. The brief facts of the case, as stated by the petitioner, are as follows:

It is the case of the petitioner that her father was a Freedom fighter and imprisoned on a number of occasions during the Freedom Struggle and he was sanctioned the Central and State Government Freedom Fighters' Pension. Consequent to his death, on 06.03.1995, her mother is receiving the Freedom Fighters' Pension. It is stated that the Government of Tamil Nadu had issued orders stating that one person from the Freedom Fighter's Family is eligible for appointment in the Chennai Corporation Service. Therefore, the petitioner had submitted an application for compassionate appointment under the Freedom Fighter's quota. The said application was rejected by the second respondent by an order, dated 13.09.2001, on the ground that the petitioner's father was not received the pension from the Chennai District Treasury and that he was receiving the pension from Chengalpet District Treasury.

4. The learned counsel appearing for the respondents has submitted that the second respondent has rejected the application of the petitioner by his order, dated 13.09.2001, in accordance with the norms and conditions prescribed in G.O.Ms.No.147, Municipality Administration and Water Supply Department, dated 13.08.1998, and also based on the clarifications issued by the Government, vide letter No.18687/Ma.Na/99-10, dated 04.09.2000. It has also been submitted that the scheme of employment to legal heirs of Freedom Fighters and Tamil Language Scholars has been cancelled by the State Government in G.O.Ms.No.127, Municipal Administration and Water Supply Department, dated 14.10.2001.

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5. At this stage of the hearing of the writ petition, the learned counsel appearing on behalf of the petitioner prays that the petitioner may be permitted to make an application before the concerned authority, for being considered for appointment on compassionate grounds. On such request being made, it is made clear that it would be open to the petitioner to make such an application

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before the concerned authority for being considered for appointment on compassionate grounds. With the above observation, the writ petition stands dismissed. No costs.

vsi

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To
1. The Commissioner,
Chennai Corporation,
Chennai.

2. The Assistant Commissioner,
General Administration and Personnel
Chennai Corporation,
Chennai - 3.

1 cc to Mr.V.Bharathidasan, Advocate, SR.50160
1 cc to Mr.S.M.Subramaniam, Advocate, SR.50295

bk (co)

dv/9.1.07

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